



Councilmember David Alvarez
City of San Diego
Eighth District
MEMORANDUM

DATE: December 1, 2015
TO: Council President Sherri Lightner, Chair of the Charter Review Committee
FROM: Councilmember David Alvarez, Chair of the Environment Committee *David Alvarez*
SUBJECT: Environmental Growth Fund – Recommendation from Environment Committee

The Charter Review Committee referred section 103.1A, Environmental Growth Fund to the Environment Committee for a recommendation as to whether the section should be kept in or removed from the Charter, and for direction as to how the funds should be expended.

The Environment Committee considered the referral at the November 30, 2015 special meeting. After a presentation by the Office of the Independent Budget Analyst, committee member discussion and input from the City Attorney's Office, the following language was recommended:

There is hereby created a fund in the City Treasury, to be known as the Environmental Growth Fund. Into this fund each year there shall be placed 25 percent of all moneys derived from the revenues accruing to the City from any franchises for the transmission and distribution of gas, electricity and steam within the City of San Diego.

The Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego; provided, however, that two-thirds of the moneys paid into the Environmental Growth Fund shall be used and/or accumulated exclusively for the purpose of acquisition, development, and improvement that doesn't include daily maintenance, of open space to be used for park or recreational purposes while paying any debt service for bonds associated with the aforementioned purposes; and for open space mitigation related to storm channel purposes. The remaining one-third of moneys paid into the Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of

San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego with the following priorities:

- (1) Open space maintenance;
- (2) Enhancing or facilitating the City's environmental programs.

Please find the strikeout/underline version of the proposed changes attached. If you have any questions or concerns, please don't hesitate to contact my office.

cc: Honorable Environment Committee Members
Honorable Jan Goldsmith, City Attorney
Andrea Tevlin, Independent Budget Analyst
Mary Ann Wallace, Committee Consultant Assistant

Section 103.1a: Environmental Growth Fund

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The Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego; provided, however, that two-thirds of the moneys paid into the Environmental Growth Fund shall be used and/or accumulated exclusively ~~as debt service for bonds of any nature issued~~ for the purpose of acquisition, development, and improvement that doesn't include daily maintenance of open space to be used for park or recreational purposes while paying any debt service for bonds associated with the aforementioned purposes; and for open space mitigation related to storm channel purposes. ~~In connection with the issuance of any general obligation bonds for the acquisition, improvement and maintenance of open space to be used for park or recreational purposes, the Council may pledge up to two-thirds of the Environmental Growth Fund to the payment or security of such general obligation bonds and the interest thereon and may so state in any ordinance calling an election authorizing the issuance of said general obligation bonds. If there are no such bonds outstanding or if two-thirds of the moneys paid into the Environmental Growth Fund exceed the amount necessary to service any outstanding bonds issued for the above purposes in any fiscal year, then in those events, and those events only, the moneys set aside for debt service of said bonds or that portion of said moneys which is not needed for debt service of said bonds, shall be used, if at all,~~ The remaining one-third of moneys paid into the Environmental Growth Fund shall be used exclusively for the purpose of preserving and enhancing the environment of the City of San Diego in whatever manner is deemed appropriate by the City Council of The City of San Diego with the following priorities:

- (1) Open space maintenance;
- (2) Enhancing or facilitating the City's environmental programs.

From: Dan Silver [<mailto:dsilverla@me.com>]
Sent: Wednesday, December 02, 2015 12:15 PM
To: SD Charter Review
Cc: Michael Beck
Subject: Item 3 (B), Environmental Growth Fund, December 3, 2015

December 2, 2015

Honorable Sheri Lightner, City Council President and Members of the Charter Review Committee

The Committee on Charter Review of the City Council of the City of San Diego

202 C Street, San Diego, CA 92101

ATTN: Steve Hadley (Distribution requested and appreciated)

RE: December 3, 2015 Special Meeting Agenda Item-3 (B)

ENVIRONMENTAL GROWTH FUND, CITY CHARTER SECTION 103.1A,

City Council President Lightner and Committee Members:

Endangered Habitats League (EHL) *opposes* further amendment of the City Charter Section 103.1A, Environmental Growth Fund (EGF) unless it is to strengthen the intent to provide EGF moneys to the acquisition, preservation, and management of open space. For your reference, EHL has been active in San Diego habitat issues since 1993

The establishment of the fund derives from a Charter ballot measure in 1972. In 1978 the City formed the SD Open Space Park Facilities District. The purpose was to acquire open space to implement the Open Space Element of the General Plan. The values of open space are well known and well documented.

The priorities outlined in the Municipal Code for use of the EGF are not being followed. Not only is the City not acquiring additional open space with EGF moneys, there are proposals to sell open space land which was previously acquired to complete the open space element in the General Plan. It appears that the EGF provisions of the Charter may provide too much latitude

already given that the original intent was to acquire, preserve and protect open space lands in the City.

The City Municipal Code (Section 63.30) included in the back up material outlines the priorities for use of the EGF funds. At subsection (a) it appears that the 2/3rds portion of the fund prioritized for debt service on open space bonds states that – if the bonds have been paid off, those funds “shall be utilized solely for the purpose of providing funds for the acquisition of open space lands.”

Please reject these recommendations for Charter amendments and please take necessary steps to strengthen and reinforce the City’s commitment to acquisition, protection, and management of open space lands that are so essential for a high quality urban community.

Thank you

Dan Silver

Dan Silver, Executive Director
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